

ARTICLE 11

BOARDS, COMMISSIONS AND COMMITTEES

PART 1 11-100 PLANNING COMMISSION

11-101 Purpose

The Planning Commission shall advise the Board of Supervisors on all matters related to the orderly growth and development of Fauquier County, and it shall approve or disapprove the location, character and extent of all public facilities in the County. The Planning Commission shall **have the following duties:**

1. Prepare and recommend a Comprehensive Plan for the physical development of the County and review said plan at least once every five (5) years.
2. Prepare and recommend amendments to the Zoning Ordinance, the Subdivision Ordinance, the Capital Improvements Program, the Official Zoning Map and the Master Water and Sewer Master Plan.
3. Review and make recommendations on all applications to amend the **Zoning Ordinance, the Comprehensive Plan**, the Zoning Map, and applications for special exceptions filed in accordance with the provisions of Article 9, development plans filed in accordance with the provisions of Article 7, and, when deemed necessary, recommendations on appeals and on applications for special permits filed with the BZA.
4. Approve or disapprove **Planning Commission permit applications pertaining to the general or** approximate location, character and extent of streets, parks or other public areas, public buildings, public structures, public utilities or public service corporations other than railroads, whether publicly or privately owned.
5. **Review as appropriate** the employment or contract for secretaries, secretaries, legal counsel, consultants and other technical and clerical services that will provide direct support to the Commission within the limits of funds appropriated by the Board.
6. Prepare and present to the Board a report, at intervals of not greater than five (5) years, on whether a general revisions of this Ordinance should be undertaken. If the Commission should recommend such a revision, it shall describe the conditions which it believes indicate the

desirability thereof, outlining in general the respects in which the Ordinance can better be adapted to such conditions.

7. Establish advisory committees when deemed necessary.
8. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Board.
9. Prepare and submit an annual budget in the manner prescribed by the Board.
11. Prepare, publish and distribute reports, ordinances and other material relating to its activities.
11. Prepare and present to the Board an annual report concerning the operation of the Commission and the status of planning within the County.

11-102

Authority and Establishment

The **Fauquier County** Planning Commission was established **and** operates in conformance with the provisions of **Article 2, Chapter 22, title 15.2** of the Code of Virginia, **as amended**

11-103

Membership

1. The Planning Commission shall consist of five (5) members, appointed by the Board, all of whom shall be residents of the County **and** qualified by knowledge and experience to make decisions on questions of community growth and development. There shall be one (1) member from each magisterial district, who shall be a resident of that district at the time of his or her appointment.
2. Members shall be appointed for four (4) years and terms of appointment shall be staggered. Members of the Commission may receive such compensation as may be authorized by the Board.
3. Any vacancy in membership shall be filled by appointment by the Board. It shall be for an unexpired term only. Any appointed member may be removed by the Board for malfeasance in office.

11-104

Meetings

Regular meetings of the Planning Commission **shall be** held once each month **with such additional meetings as** the work of the Commission may require, at a time and place to be designated by the Commission.

When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the Commission.

11-105

Records

The Planning Commission shall keep minutes of all its proceedings showing **information** presented, the names of all **persons** giving testimony, findings of fact by the Commission, and the vote of each member upon each question, or if absent or failing to vote, such fact. These minutes shall be a public record.

PART 2

11-200

BOARD OF ZONING APPEALS

11-201

Purpose

In recognition that many of the provisions of this Ordinance are of a nonspecific and general nature and that they are not perfect and are subject to interpretation, the BZA is established to vary specific terms of the Ordinance so the intent of the provisions may be accomplished, but only in a manner that the spirit of the Ordinance is maintained and upheld.

11-202

Authority and Establishment

In addition, the BZA is established to perform those duties as set forth in Article 7, Chapter 22, Title 15.2 of the Code of Virginia and those duties as set forth in the provisions of the Ordinance. The official title of the board shall be the "Fauquier County Board of Zoning Appeals", and such body shall also be known by the abbreviation "BZA".

11-203

Membership

1. The BZA shall consist of seven (7) members appointed by the Circuit Court of Fauquier County, Virginia, and the members may receive compensation as may be authorized by the Board of Supervisors. All members shall be residents of the County.
2. The terms of office of the membership shall be for five (5) years except that the initial term shall be such that at least one Board member's term shall expire each year.
3. The **Secretary** of the BZA shall notify the Circuit Court at least thirty (30) days in advance of the expiration of any term of office and shall notify the Court promptly of any vacancy. Appointments to fill such vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves.

4. A member whose term expires shall continue to serve until his successor is appointed and qualifies.
5. Members of the BZA shall hold no other public office in the County except that one (1) member may be a member of the **Planning** Commission.
6. Any BZA member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by the Court which appointed him, after a hearing held on at least fifteen (15) days notice to the member sought to be removed.

11-204

Officers

At its first meeting in January of each year, the BZA shall elect a Chairman and a Vice-Chairman by a majority vote of the entire membership.

11-205

Meetings

1. The BZA shall hold at least one (1) meeting each month when there is business to conduct at a time and place to be designated by resolution of the BZA. When a meeting date falls on a legal holiday, the meeting shall be held on the day following unless otherwise designated by the BZA.
2. Four (4) members of the BZA shall constitute a quorum, but a less number may meet and adjourn.
3. Special meetings may be called by the Chairman provided at least five (5) days notice of such hearing is given each member in writing.
4. The BZA may adjourn a regular meeting if all applications or appeals cannot be disposed of in the day set and no further public notice shall be necessary for such a meeting. Such adjournment shall be mandatory ten (11) hours after the start of a meeting.
5. Appeals shall be heard and applications considered in the order in which they are filed, except that an appeal or application may be advanced for a hearing or by an order of the BZA for a good cause shown. The **Secretary** shall keep a calendar of cases to be heard in their proper priority.
6. All public hearings conducted by the BZA shall be in accordance with the provisions set forth in **Part 1 of Article 9**. All hearings shall be

open to the public and any person affected may appear and testify at each hearing, either in person or by an authorized agent or attorney.

11-206

Referral to Planning Commission

The **Secretary** of the BZA shall transmit to the **Planning** Commission a summary of every appeal or application made to the BZA and shall also notify the Commission of the date of the hearing thereon.

11-207

Records

The BZA shall keep written records and minutes of all its proceedings, showing evidence presented, findings of fact by the BZA, and the vote of each member upon each question or, if absent or failing to vote, such fact.

11-208

Powers and Duties

The BZA shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision or interpretation made by the Zoning Administrator or his agent in the administration or enforcement of this Ordinance, all as provided in **Part 2** of Article **10**.
2. To authorize upon appeal from a decision of the Zoning Administrator in specific cases, such variance from the terms of this Ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the Ordinance shall be observed and substantial justice done, all as provided in **Part 3** of Article **10**.
3. To hear and decide applications for such special permits as are authorized under **Part 5** of Article **9** of this Ordinance.
4. To hear and decide applications for interpretation of the Zoning Map where there is uncertainty as to the location of a zoning district boundary. After notice to the owners of the property affected by any such interpretation, and after a public hearing thereon, the BZA shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance for the particular district in question. The BZA shall not have the power, however, to rezone property or to change substantially the location of zoning district boundaries as established by this Ordinance.

5. To hear and decide all other matters referred to and upon which it is required to pass by this Ordinance.
6. To make, alter and rescind rules and forms for its procedures, consistent with the ordinances of the County and the general laws of the State.
7. To prescribe procedures for the conduct of public hearings that it is required to hold.
8. To perform those additional activities set forth in this part.
9. To employ or contract for secretaries, legal counsel, consultants and other technical and clerical services within the limits of funds appropriated by the Board.

11-209

Limitations

All provisions of this Ordinance relating to the BZA shall be strictly construed. The BZA, as a body of limited jurisdiction, shall act in full conformity with all provisions and definitions in this Ordinance and in strict compliance with all limitations contained therein. Any action taken by the BZA beyond the authority specifically conferred by the provisions of this Ordinance and the limitations applicable thereto shall *ipso facto* be of no force and effect.

11-210

Decisions Subject to Judicial Review

All decisions and findings of the BZA shall be final decisions, and shall, in all instances, be subject to judicial review in the manner provided by **Article 7, Chapter 22, Title 15.2** of the Code of Virginia.

PART 3

11-300 ARCHITECTURAL REVIEW BOARD

11-301

Purpose

The Architectural Review Board is created for the purpose of advising and assisting the Board of Supervisors in its efforts to preserve and protect historic places and areas in the County through the regulation of architectural design and uses of structures in such areas

11-302

Authority and Establishment

The Architectural Review Board **is hereby established in conformance with the provisions of Article 7, Chapter 22, Title 15.2 of the Code of Virginia and shall be known by the abbreviation, “ARB”.**

11-303

Membership

1. The Architectural Review Board **shall** be composed of seven (7) regular and voting members, a **majority of whom shall be** residents of Fauquier County, with a demonstrated knowledge of the interest in the preservation of historic and architectural landmarks. Membership of the seven (7) members so appointed **shall be as follows: a)** one shall be a licensed real estate broker; **b)** two shall be licensed architects, landscape architects or professional planners; **c)** two shall be persons of demonstrated knowledge of and interest in the preservation of historical and architectural landmarks; **d)** one shall be a practicing lawyer with membership in the Virginia Bar; and **e)** one shall be a member of the Fauquier County Planning Commission. In addition, each designated Historic District may be represented by one nonvoting member appointed by the Board of Supervisors to represent Historic Districts comprising sufficient population to require such representation. Members of the Architectural Review Board shall be subject to the provisions of **the State and Local Comprehensive Conflict of Interests Act as set for in Section 2.1-639.1, et seq., Code of Virginia (1950) as amended.**
2. Members shall be appointed for a term of four (4) years. Initial appointments shall be three (3) members for four (4) years, and three (3) members for two (2) years. The term of the Commission member shall be concurrent with his appointment to the Commission.
3. The Architectural Review Board shall elect from its own membership a Chairman, Vice Chairman, and a Secretary, who shall serve annual terms and may succeed themselves.

11-304

Meetings

1. There shall be a regularly scheduled meeting of the Architectural Review Board monthly. Special meetings of the ARB may be called by the Chairman or by two (2) members upon written request of the Secretary. The Secretary shall mail to all members of the ARB, at least five (5) days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof.
2. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members

are present at a special meeting or file a written waiver of notice. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all voting members of the ARB. The ARB may make, alter or rescind rules and forms for its procedures, consistent with the ordinances of the County and the general laws of the Commonwealth of Virginia.

3. Whenever possible, the tentative agenda of each meeting will be published in a paper of general circulation in the County. No request for a certificate of approval for new construction, reconstruction, alteration, demolition, or moving or relocation will be considered until after mention of such request has appeared in a published agenda. The Architectural Review Board shall establish procedures for all interested parties to be heard on each certificate coming before it for review.

11-305

Records

The Architectural Review Board shall keep written records and minutes of all its proceedings, showing **information** presented, the names of all **persons** giving testimony, and findings of fact by the Architectural Review Board, and the vote of each member on each question or, if absent or failing to vote, such fact. These minutes shall be public record.

11-306

Duties

The Architectural Review Board shall give counsel to the Board regarding the advisability of issuing a permit for construction, reconstruction, significant exterior alteration, razing or relocation within the Historic District.

In addition to the aforementioned duties and powers, the ARB shall have the following duties:

1. Assist and advise the Board of Supervisors, the Planning Commission and other County departments and agencies in matters involving historically significant sites and buildings, such as appropriate land usage, parking facilities and signs.
2. Advise owners of historic landmarks, buildings or structures concerning preservation.
3. Propose Historic Districts as deemed appropriate.
4. Conduct studies deemed necessary by itself, the Board of Supervisors or Planning Commission concerning **historic** districts and means of preservation and utilization of historic assets in the County.

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5. Formulate recommendations to the Board of Supervisors concerning the establishment of an appropriate system of markers for selected historic sites and buildings, including proposals for the installation and care of such historic markers.
6. Cooperate with and enlist assistance from the Virginia Historic Landmarks Commission, the National Trust for Historic Preservation and other interested parties, public and private, in efforts to preserve, restore, and conserve historic and/or aesthetic landmarks, buildings, sites or areas within the County.
7. Employ the specialized professional and secretarial assistance of the Fauquier County **Department of Community Development**.